

REMARKS

In the Office Action¹ dated March 9, 2009, the Examiner:

- Objected to the drawings because they failed to show segments having different widths as set forth in claims 13, 28, and 43;
- Rejected claims 1-10, 13-25, 28-40, and 43-45 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,152,290 to Mott et al. ("Mott"); and
- Rejected claims 11, 12, 26, 27, 41, and 42 under 35 U.S.C. § 103(a) as being unpatentable over Mott in view of U.S. Patent No. 5,339,947 to Campanile ("Campanile").

By this amendment, Applicants added Figure 9; amended the abstract to correct a minor typographical error and removed the reference to "characterised"; amended the specification to reflect new Figure 9 and to include material presented in original claims; amended claims 1, 16, and 31; and canceled claims 11, 12, 26, 27, 41 and 42 without prejudice or disclaimer. Non-limiting support for the amendments can be found in, for example, page 7, line 1 to page 9, line 9 of the originally filed specification. Claims 1-10, 13-25, 28-40, and 43-45 are now pending, and 35 U.S.C. § 103(a) rejection of claims 11, 12, 26, 27, 41, and 42 is rendered moot by the cancellation of these claims.

Objection to Drawings

The Examiner objected to the drawings under 37 CFR 1.83(a) because they failed to show segments having different widths as set forth in claims 13, 28, and 43. Segments having different widths are now shown in new Figure 9. Support for new

¹ The Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Figure 9 is provided in, for example, claims 13, 28, and 43 as originally filed and in the original specification at page 4, lines 14-15.

Rejection under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-10, 13-25, 28-40 and 43-45 under 35 U.S.C. § 102(b) as being anticipated by Mott. Office Action, page 3.

Applicants respectfully disagree. First, independent claims 1, 16, and 31 all require “each of the segments is individually elastically connected to the supporting structure.” (Emphasis added). In Mott, the entire scraping devices is spring based as a whole, but Mott does not disclose segments “individually elastically connected” as is now required by claims 1, 16, and 31. By way of example, Figure 2 shows each segment 1’ is individually connected to supporting structure 3. As explained at page 3, lines 18-21:

... the scraping face of each of the segments is elastically attached to the supporting structure. This elastic attachment may be made via an elastic body between the scraping face and the supporting structure.

As recited in claims 5, 20, and 35, each segment is described as being connected to supporting structure 3 by a resilient metal spring, represented by item 7 in Figure 3. As recited in claims 6, 21, and 36, each segment is connected to the supporting structure 3 by a fibre-reinforcing elastic material.

Second, independent claims 1, 16, and 31 also require: “all the segments are covered by a flexible material.” No comparable disclosure appears in Mott.

Third, independent claims 1 and 31 require:

... a center area of the scraping device is fixedly connected to the holder with a fixed connection so that the scraping

device can be bent toward the conveyor belt in that there is provided one or more adjusting devices on either side of said center area which push different parts of the scraping device against the conveyor belt bent around said fixed connection.

On page 3 of the Office Action, the Examiner references fixed connection 350 of Figures 12A -- 12C of Mott and the adjusting devices 301 for allegedly constituting these features of independent claims 1 and 31. Applicants respectfully assert that this configuration does not anticipate or even render obvious the recited limitation because Mott does not teach or suggest a conveyor belt "bend around" so-called fixed connection 350. Tightening the screws on either side of so-called fixed connection 350 would not seem to have any bending effect whatsoever on the segments, much less the bending of that required by claims one and 16. Likewise, the configuration of Figs. 3 and 4 of Mott does not satisfy this recitation. There is no disclosure of the "fixed connection" as required by claims 1 and 16.

Fourth, independent claims 16 and 31 require that:

the scraping device is provided one or more adjusting devices which push different parts of the scraping device along the direction of movement of the conveyor belt to bend the scraping device in a curve across the width of the conveyor belt.

Mott shows adjustment against the conveyor belt, but not "along the direction of movement of the conveyor belt to bend the scraping device in a curve across the width of the conveyor belt," as required by claims 16 and 31.

In view of the foregoing, Applicants respectfully submit that Mott does not teach or render obvious any of independent claims 1, 16 and 31, and for at least this reason, claims 1-10, 13-25, 28-40, and 43-45 should be allowed over Mott.

Moreover, Mott also fails to disclose the resilient metal spring of claims 5, 20 and 35, or the fibre-reinforcing elastic material of claims 6, 21 and 36.

For all of the above reasons, Applicants respectively request the withdrawal of the 35 U.S.C. § 102(b) rejection and allowance of claims 1-10, 13-25, 28-40, and 43-45.

Rejection under 35 U.S.C. § 103(a)

Applicants have canceled claims 11,12, 26, 27, 41 and 42, rendering moot the rejection of those claims under 35 U.S.C. §103(a) as being unpatentable over Mott in view of Campanile.

Furthermore, it should be noted that Campanile fails to teach or suggest at least the following features of independent claims 1 and 16:

... a center area of the scraping device is fixedly connected to the holder with a fixed connection so that the scraping device can be bent toward the conveyor belt in that there is provided one or more adjusting devices on either side of said center area which push different parts of the scraping device against the conveyor belt bent around said fixed connection.

And, Campanile fails to teach at least the following features of independent claims 16 and 31:

the scraping device is provided one or more adjusting devices which push different parts of the scraping device along the direction of movement of the conveyor belt to bend the scraping device in a curve across the width of the conveyor belt.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and re-examination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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